

## SEMINOLE COUNTY GOVERNMENT AGENDA MEMORANDUM

**SUBJECT:** Resolution Authorizing the Chairman to Execute a County Deed Conveying County-Owned Property Necessary to Construct or Improve State Road No. 400 (Interstate 4) (FDOT Parcel No. 100)

**DEPARTMENT:** Public Works

**DIVISION:** Engineering

**AUTHORIZED BY:** Gary Johnson

**CONTACT:** Warren Lewis

**EXT:** 5658

**MOTION/RECOMMENDATION:**

Adopt Resolution and authorize the Chairman to execute a County Deed conveying property (FDOT Parcel No. 100) necessary to construct or improve State Road No. 400 (Interstate 4) to the Florida Department of Transportation (FDOT).

District 5 Brenda Carey

Jerry McCollum

**BACKGROUND:**

It is necessary that certain land now owned by Seminole County be acquired by the Florida Department of Transportation (FDOT Parcel No. 100) to construct or improve State Road No. 400 (Interstate 4). FDOT has requested that Seminole County execute and deliver a County Deed conveying all rights, title and interest that the County has in and to said lands for transportation purposes.

**STAFF RECOMMENDATION:**

Staff recommends the Board adopt the Resolution and authorize the Chairman to execute a County Deed conveying property (FDOT Parcel No. 100) necessary to construct or improve State Road No. 400 (Interstate 4) to the Florida Department of Transportation (FDOT).

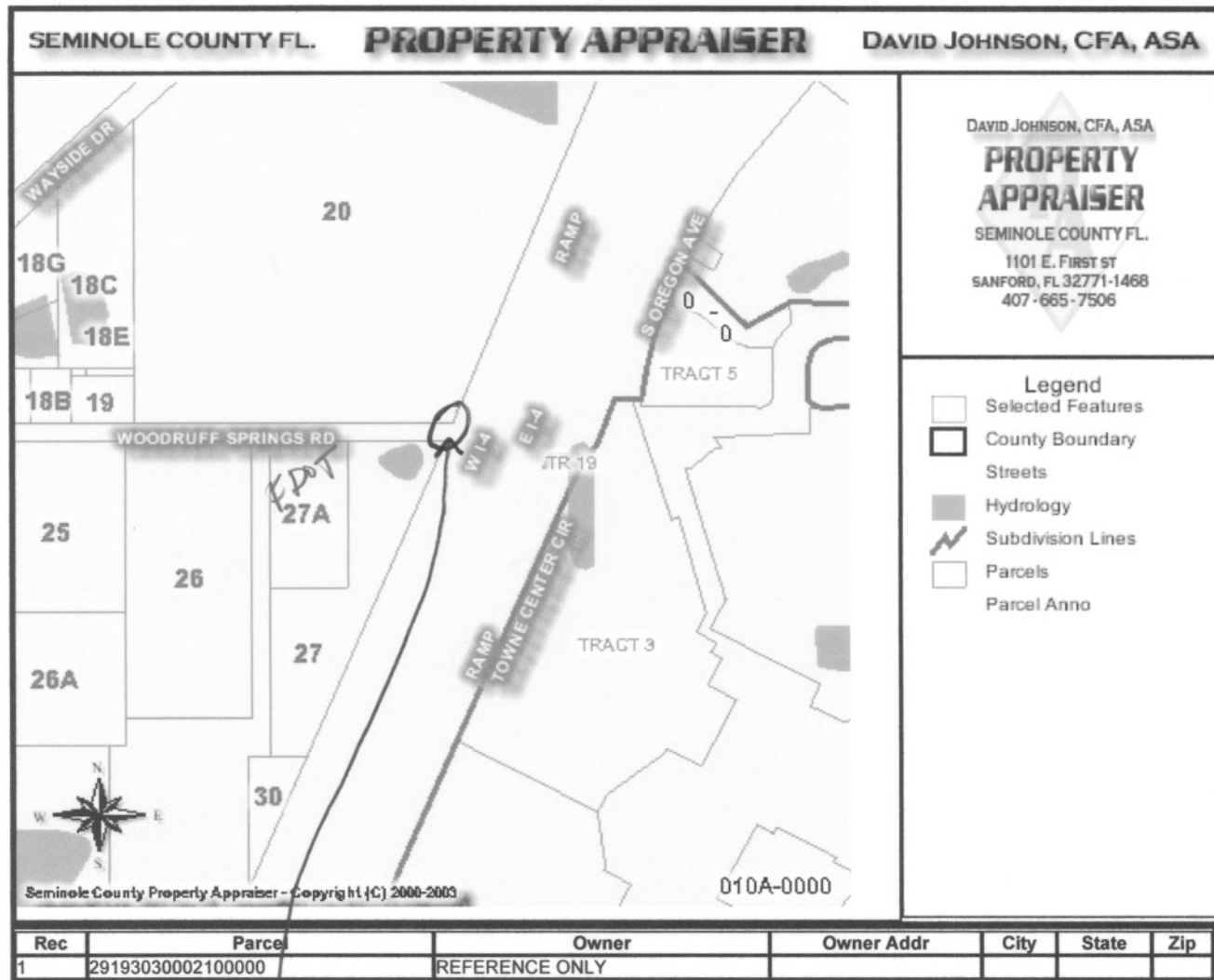
**ATTACHMENTS:**

1. Location Map
2. Resolution
3. County Deed-FDOT-Parcel 100

**Additionally Reviewed By:**

☒ County Attorney Review ( Matthew Minter )

# Location Map



Subject parcel

RESOLUTION NO. 2007-R- \_\_\_\_\_

**RESOLUTION**

**THE FOLLOWING RESOLUTION WAS ADOPTED AT THE  
REGULAR MEETING OF THE BOARD OF COUNTY  
COMMISSIONERS OF SEMINOLE COUNTY, FLORIDA, ON  
THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2007.**

**WHEREAS**, the State of Florida Department of Transportation proposes to construct or improve State Road No. 400 (I-4), Section No. 77160, F.P. No. 407573-1 in Seminole County, Florida; and

**WHEREAS**, it is necessary that certain land now owned by Seminole County be acquired by the State of Florida Department of Transportation; and

**WHEREAS**, the necessary lands are identified by the Florida Department of Transportation as Parcel Number 100; and

**WHEREAS**, said property is not needed for county purposes; and

**WHEREAS**, the State of Florida Department of Transportation has made application to said County to execute and deliver to the State of Florida Department of Transportation a County Deed in favor of the State of Florida Department of Transportation, conveying all rights, title and interest that the County has in and to said lands required for transportation purposes, and said request having been duly considered.

**NOW THEREFORE, BE IT RESOLVED** by the Board of County Commissioners of Seminole County, Florida, that the application of the State of Florida Department of Transportation for a County Deed is for transportation purposes which are in the public or community interest and for public welfare; and the land needed for transportation purposes is not needed for county purposes; that the deed in favor of the State of Florida Department of Transportation conveying all right, title and interests of Seminole County in and to said land identified as Parcel Number 100 has been drawn and executed by this Board of County Commissioners.

**ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2007.**

**ATTEST:**

**BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY**

\_\_\_\_\_  
**Brenda Carey, Chairman**

\_\_\_\_\_  
**MARYANNE MORSE, Clerk to the  
Board of County Commissioners in  
and for Seminole County, Florida.**

Prepared under the direction of:  
Charles F. Barcus  
Program Manager/Right-of-Way  
11-02-2007

**COUNTY DEED**

Parcel No. 100  
Section 77160  
State Road 400 (I-4)  
County of Seminole, Florida

**THIS DEED** is made this \_\_\_\_\_ day of \_\_\_\_\_ 2007 by **SEMINOLE COUNTY**, a political subdivision of the State of Florida, whose address is Seminole County Services Building, 1101 East First Street, Sanford, Florida, 32771, hereinafter referred to as the **GRANTOR**, and the **STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION**, whose address is 719 South Woodland Boulevard, Deland, Florida, 32720, hereinafter referred to as the **GRANTEE** or **F.D.O.T.**

**W I T N E S S E T H:**

**THAT GRANTOR**, for and in consideration of the sum of ONE AND NO/100 DOLLARS (\$1.00) in hand paid by the **GRANTEE**, the receipt whereof is hereby acknowledged, does hereby grant, bargain, and sell to **GRANTEE**, its heirs and assigns forever, the following described land lying and being in the County of Seminole, State of Florida, to-wit:

See Legal Description attached hereto as Exhibit "A"

**GRANTOR**, in accordance with Section 270.11, Florida Statutes, releases its interest in, and title in and to all the phosphate, minerals and metals that are or may be in, on, or under the above described land and all the petroleum that is or may be in, on, or under the above described land with the privilege to mine and develop the same, the **GRANTEE** having petitioned for said release. The reason justifying such release is that **GRANTEE** is an agency of the State of Florida, which state therefore loses no rights by such release.

**TOGETHER** with all tenements, hereditaments and appurtenances thereto belonging or in anywise appertaining.

**TO HAVE AND TO HOLD**, the same together with the appurtenances thereunto belonging or in anywise appertaining, and all the estate, right, title, interest, lien, equity and claim whatever of the said grantor, either in law or equity, to the said grantee forever.

PROVIDED that the following rights are reserved to Grantor:

1. The Grantor shall have the right to construct, operate, maintain, improve, add to, upgrade, remove, and relocate road and utility facilities on, within, and upon the lands described herein in accordance with the F.D.O.T.'s current minimum standards for such facilities as required by the F.D.O.T. Utility Accommodation Manual in effect at the time the agreement is executed. Any new construction or relocation of facilities within the lands will be subject to prior approval by the F.D.O.T. Should the F.D.O.T. fail to approve any new construction or relocation of facilities by the Grantor or require the Grantor to alter, adjust, or relocate its facilities located within said lands, the F.D.O.T. hereby agrees to pay the cost of such alteration, adjustment, or relocation, including, but not limited to, the cost of acquiring appropriate easements.

2. Notwithstanding any provisions set forth herein, the terms of the utility permits shall supersede any contrary provisions, with the exception of the provision herein with reimbursement rights.

3. The Grantor shall have a reasonable right to enter upon the lands described herein for the purposes outlined in Paragraph 1 above, including the right to trim such trees, brush and growth which might endanger or interfere with such facilities, provided that such rights do not interfere with the operation and safety of the F.D.O.T.'s facilities.

4. The Grantor agrees to repair any damage caused by the Grantor to F.D.O.T.'s facilities and to indemnify to the extent permitted under Florida Law the F.D.O.T. against any loss or damage resulting from the Grantor exercising its rights outlined in Paragraphs 1 and 3 above.

**IN WITNESS WHEREOF**, the GRANTOR has caused these presents to be executed in its name by its Board of County Commissioners acting by the Chairman or Vice Chairman of said Board, the day and year aforesaid.

ATTEST:

BOARD OF COUNTY COMMISSIONERS  
SEMINOLE COUNTY, FLORIDA

\_\_\_\_\_  
MARYANNE MORSE, Clerk to the Board of  
County Commissioners of Seminole County,  
Florida

By: \_\_\_\_\_  
Brenda Carey, Chairman

Date: \_\_\_\_\_

For the use and reliance of Seminole  
County only. Approved as to form and  
legal sufficiency.

As authorized for execution by the Board of  
County Commissioners at their \_\_\_\_\_, 2007  
regular meeting.

\_\_\_\_\_  
County Attorney

## EXHIBIT "A"

PARCEL 100  
Limited Access Right-of-Way

SECTION 77160  
F.P.NO. 407573-1

THAT PART OF:

Woodruff Springs Road being in the Northeast 1/4 of the Southwest 1/4 Section 29, Township 19 South, Range 30 East, Seminole County, Florida, a Fifty Foot (50') Right of Way according to the Plat thereof recorded in Plat Book 8, Page 23, Public Records of, Seminole County, Florida.

BEING DESCRIBED AS FOLLOWS:

Commence at a 1" Iron Pipe (no identification), located at the Southwest corner Section 29, Township 19 South, Range 30 East, Seminole County, Florida; thence North 89°58'04" East, along the South line of said Section 29, a distance of 1379.55 feet to a point on the Centerline of Survey of State Road 400 (Interstate 4), as shown on the Florida Department of Transportation Right of Way Map, F.P. No. 407573-1, Section 77160, on file at the Florida Department of Transportation District Five Office, Surveying and Mapping Section, Deland, Florida; thence North 24°03'43" East along said Centerline of Survey, a distance of 1522.82 feet to a Point of Intersection of said Centerline of Survey at Station 2850+62.33 as shown on said Right of Way Map; thence North 24°03'07" East along said Centerline of Survey, a distance of 826.39 feet to the intersection with the North line of the South 5/8 of the Northeast 1/4 of the Southwest 1/4 of Section 29, Township 19 South, Range 30 East, as shown on said Right of Way Map; thence departing said Centerline of Survey South 89°56'01" West along said North line of the South 5/8 of the Northeast 1/4 of the Southwest 1/4 of said Section 29, a distance of 164.35 feet, to the existing Westerly Limited Access Right of Way line of State Road 400 (Interstate 4) as shown on said Right of Way Map for the POINT OF BEGINNING; thence departing said North line of the South 5/8 of the Northeast 1/4 of the Southwest 1/4 of said Section 29, South 24°03'07" West along said Westerly Limited Access Right of Way line, a distance of 21.91 feet to a point on the South Right of Way line of Woodruff Springs Road according to the Plat thereof recorded in Plat Book 8, Page 23, Public Records of, Seminole County, Florida, said South Right of Way line also being the North line of the lands described in Official Records Book 1983, Page 118, Public Records of, Seminole County, Florida; thence departing said Limited Access Right of Way line South 89°56'01" West along said South Right of Way line of Woodruff Springs Road said South Right of Way line being parallel with and 20 feet Southerly of, as measured at right angles to said North line of the South 5/8 of the Northeast 1/4 of the Southwest 1/4 of said Section 29, a distance of 112.52 feet; thence departing said existing South right of way line, North 26°20'04" East, a distance of 39.08 feet; thence North 89°56'01" East, along a line being parallel with and 15 feet Northerly of, as measured at right angles to the aforesaid North line of the South 5/8 of the Northeast 1/4 of the Southwest 1/4 of said Section 29, a distance of 68.97 feet to a point, said point also being the beginning of a non-tangent curve concave Westerly

having a radius of 7629.19 feet, a chord bearing of North 25°52'42" East, a chord distance of 16.68 feet; thence Northeasterly along the arc of said curve from a tangent bearing of South 25°56'28" West, through a central angle of 00°07'31" a distance of 16.68 feet, to a point on the existing North Right of Way line of aforesaid Woodruff Springs Road; thence departing said curve North 89°56'01" East along said existing North Right of Way line, said North Right of Way line being parallel with and 30.00 feet Northerly of, as measured at right angles to the North line of the South 5/8 of the Northeast 1/4 of the Southwest 1/4 of said Section 29, a distance of 41.26 feet to a point on the aforesaid existing Westerly Limited Access Right-of-Way line of State Road 400 (Interstate 4) as shown on aforesaid Right of Way Maps, thence South 24°03'07" West along said Limited Access Right of Way line, a distance of 32.87 feet to the POINT OF BEGINNING.

Together with all rights of ingress, egress, light, air and view between the grantor's remaining property and any facility constructed on the above described property.

Containing 4531 square feet, more or less.

This legal description prepared by:

David O. Phillips, P.S.M. No. 6444  
PBS&J  
726 South Woodland Boulevard  
DeLand, Florida 32720  
(386)736-7275

Date: April 19, 2007